



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402578
Applicant Name: Brittani Ard for Kohary Construction
Address of Proposal: 8536 – Midvale Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four (4) unit lots. This subdivision of property is only for the purpose of allowing the sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been approved under Project #2400199.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,125 square-foot property is located on the east side of Midvale Avenue North, between North 85th and North 88th Streets in the Green Lake neighborhood of North Seattle. Access to the site is via Midvale Avenue North, which is paved and improved with gutters, concrete curbs and sidewalks on both sides of the street. There is no platted alley at the western rear of the property for access. The site is relatively flat. This site is not located in any designated or identified Environmentally Critical Area.

The subject property and lots to the north and south are zoned Multi-family Lowrise 2 (L-2). Properties to the west are zoned Multi-family Lowrise 3 (L-3). Development in the area consists of small to medium scale multi-family structures, including townhouse development and some one and two story single family homes. Several schools are nearby, and commercial development is less than two blocks to the west along Aurora Avenue North.

Proposal Description

The proposal is to subdivide one parcel into four (4) unit lots with vehicle access provided from Midvale Avenue North. The existing single family residence and accessory structures located on the parcel have been removed and the construction of the two two-unit townhouse structures has been permitted. Vehicle access to the proposed lots and future dwelling units will be via a driveway easement adjacent to the north property line, which provides access to individual garages within each unit, which will face an interior auto court. The proposed unit lot sizes are: A) 1,223 sq. ft.; B) 1,211 sq. ft.; C) 1,340 sq. ft.; and D) 1,351 sq. ft. The lots either have direct pedestrian access to Midvale Avenue North or access via a pedestrian easement on the south property line of the parent lot, depending on their location.

Note that the proposed construction has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2400199). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on May 19, 2004. No comment letters were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040 no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L-2 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 1200 square feet, is met for the development as a whole. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.

2. The lots are provided vehicular access to Midvale Avenue North via a proposed driveway easement, consistent with the requirements of the Code.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required. The easement as described in Seattle City Light memorandum dated May 18, 2004, and Exhibit "A" to City of Seattle Short Subdivision No. 2402578 – P.M.# 260431-4-042B shall be included on the final plat prior to recording.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 2004-0616 was issued on May 4, 2004.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Address signage shall be posted such that addresses for all units are visible from Midvale Avenue North and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are no trees on site. The construction of townhouses is subject to the tree planting requirements of SMC 23.45.015.C.1.b.
7. Section 23.24.045 of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments, residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.

The conformance of the proposed development as a whole with the applicable Code Provisions has been approved under Master Use Permit Number 2400199. Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 2 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
6. Provide a covenant and/or an easement to allow for posting of unit lot addresses visible from Midvale Avenue North and to ensure that the address signage is maintained.
7. Remove old curb cut from plat map or label it to be removed prior to sale or occupancy of any unit lot.

Signature: (signature on file) Date: June 17, 2004
William K. Mills, Land Use Planner
Department of Planning and Development

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